

What Compensation Can a Passenger Recover After a Car Accident in Indiana?

Our Indiana Car Accident Lawyers Explain Passenger Compensation Rights

Passengers hurt in a [car accident](#) often assume their compensation works the same way as the driver's, especially if the driver is a friend, spouse or coworker. But a passenger's claim can involve different liability and insurance issues than the driver's, and understanding those differences early can give injured passengers the best opportunity to obtain the compensation they rightfully deserve.

[National Highway Traffic Safety Administration \(NHTSA\)](#) data shows that passenger vehicle occupants account for a substantial number of traffic injuries nationwide each year. Unlike a driver, an injured passenger generally was not operating either vehicle involved in the collision. That distinction can matter once a claim moves from the emergency room to the insurance company negotiating table.

Our Indiana car accident lawyers at [Boughter Sinak, LLC](#) regularly represent passengers injured in car crashes. As a result, we've seen firsthand how insurance companies treat drivers' and passengers' claims differently. Below, you can learn more about what compensation a passenger can recover after a crash, how the process works and other important information.

How Is a Passenger's Car Accident Claim Different From a Driver's?

A driver's compensation may be affected by a fault analysis. Insurance adjusters may argue that the driver contributed to the crash by following too closely, glancing at a phone or misjudging a light. A passenger generally does not face those same arguments.

Because a passenger did not operate the vehicle or make the driving decisions that led to the collision, there is often less basis for arguing that the passenger contributed to causing the crash.

The practical effect can show up in the amount ultimately recovered. A driver's recovery may be reduced when a percentage of fault is assigned to that driver. A passenger often does not face that same reduction, which can result in different recoveries even when a driver and passenger suffer similar injuries in the same crash.

What Economic Damages Can a Passenger Recover?

Economic damages are financial losses that have a specific dollar amount. Economic damages typically include:

- Medical expenses from the emergency room visit through any ongoing treatment.
- Lost wages for time away from work.

- Projected costs of future medical care.

A passenger with a fractured wrist who cannot work a physical job, for example, can pursue lost income the same way a driver in the same seat would. The math behind these damages depends heavily on documentation. Pay stubs, medical bills, mileage to appointments and a doctor's projection of future care all feed into the final number.

What Non-Economic Damages Can a Passenger Recover?

Economic losses only tell part of the story. Indiana law also allows passengers to recover non-economic damages. These losses are harder to calculate because they often don't have a specific bill or pay stub associated with them. Non-economic damages often include:

- **Pain and Suffering** - Compensation for the physical pain endured during recovery, from the initial trauma through any surgery or rehabilitation.
- **Loss of Enjoyment of Life** - Compensation for hobbies, activities or routines the injury has taken away, temporarily or permanently.
- **Emotional Distress** - Compensation for anxiety, sleep disruption or lingering fear connected to the crash itself.
- **Scarring and Disfigurement** - Compensation for permanent physical changes that affect a person's appearance or confidence.

These damages are real, even though they don't come with a receipt. A passenger who develops a fear of riding in cars, or who can no longer play with their kids the way they used to, has suffered a loss the law recognizes. Building a strong case for these damages usually means documenting daily struggles as carefully as medical bills, through journals, witness statements and follow-up care records.

Can a Passenger Recover From Both Drivers If Fault Is Shared?

Yes. Many passenger accidents involve two vehicles and two potentially at-fault drivers, whether that's the driver of the car the passenger was riding in, the driver of the other vehicle, or both drivers sharing responsibility for how the crash unfolded.

If both drivers contributed to the crash, an injured passenger may be able to pursue claims involving both drivers and their insurance coverage. Indiana's comparative fault system can allocate responsibility among multiple parties according to their respective shares of fault.

That can matter significantly when one driver has limited insurance coverage, particularly if another driver's negligence also contributed to the crash and provides another potential source of compensation. A passenger facing serious medical bills is not stuck relying on a single policy limit if a second driver's negligence also contributed to the crash.

Does It Matter If the Passenger Was Injured By Family or a Friend?

Passengers often hesitate to file a claim when the driver is a spouse, parent or close friend, worried that pursuing compensation means suing someone they care about and damaging a relationship that matters far more than any settlement.

In many cases, the driver's liability insurance provides coverage for the claim up to the applicable policy limits. That means seeking compensation does not necessarily mean that a friend or family member will personally pay the passenger's damages. Coverage ultimately depends on the policy and circumstances of the crash.

Coverage can become more complicated when the injured passenger and driver are members of the same household. Reviewing the specific policy language early in the claim can help identify what coverage is available before medical bills begin piling up.

How Does Indiana's Fault Law Affect a Passenger's Claim?

Indiana follows a [modified comparative fault rule](#) that can bar an injured person from recovering damages if their own fault exceeds 50 percent of the total fault for the accident.

That rule often has less impact on a passenger's claim because the passenger was not operating either vehicle and therefore ordinarily did not contribute to the driving decisions that caused the collision. However, the circumstances of each accident still matter when determining whether any comparative fault can properly be assigned to the passenger.

This is one of the clearest ways a passenger's claim differs from a driver's claim in the same crash. Two people can suffer nearly identical injuries in the same accident, yet the passenger's recovery may not be reduced for comparative fault while the driver's recovery gets reduced by an assigned percentage of fault.

What Types of Evidence Strengthen a Passenger's Compensation Claim?

A passenger's lack of fault does not mean the claim proves itself. Strong evidence still matters, especially when an insurance company disputes the severity of the injury, questions which treatment was necessary, or simply tries to minimize the payout.

Evidence that tends to carry the most weight in a passenger's car accident claim includes:

- **Police Crash Report** - The responding officer's documentation of the crash, including information about the drivers, vehicles, witnesses, road conditions, and any citations issued.
- **Medical Records** - Documentation connecting the reported injuries directly to the crash, from the emergency room through follow-up care.

- **Witness Statements** - Accounts from other passengers, drivers or bystanders confirming how the crash unfolded.
- **Photos and Video** - Images of the vehicles, the accident scene and visible injuries taken as close to the crash as possible.

Passengers sometimes assume their case is simple since they weren't driving. That assumption can lead to skipped documentation and lack of evidence. Insurance companies may look for reasons to dispute or reduce the value of a claim. That's why gathering as much evidence as possible in support of a passenger injury claim is essential.

How Can an Indiana Car Accident Lawyer Help a Passenger Get Full Compensation?

Passenger injury claims in Fort Wayne, Warsaw and across Indiana often involve a wide range of complex legal issues, especially when two drivers share fault, a family member was behind the wheel, or more than one insurance policy could apply to the same car crash.

At [Boughter Sinak, LLC](#), our Fort Wayne car accident lawyers identify every policy that may owe compensation, document both the economic and non-economic impact of the injury, and push back when an insurer tries to undervalue a passenger's claim simply because someone else was driving. We prepare every case with the expectation that it may need to go to trial.

If you were hurt riding in a car someone else was driving, you deserve full compensation for what that crash actually cost you. [Contact](#) our Indiana law firm today and put a fighter on your side.